

Serial No. **09/837,291**
Amdt. dated January 10, 2006
Reply to Office Action of October 11, 2005

Docket No. **P-0204**

REMARKS

By the present response, Applicants have canceled claims 2 and 30-33 without disclaimer. Further, Applicants have amended claims 1, 3-20 and 26 to further clarify the invention. Claims 1 and 3-29 and 34 remain pending in the present application.

In the Office Action, claims 1-3, 5-6, 12 and 30-32 have been rejected under 35 U.S.C. §101. Claims 8-12 and 34 have been rejected under 35 U.S.C. § 112, second paragraph. Claims 20-26, 28-30 and 34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0014318 to DE LA MOTTE et al. (DE). Claims 1-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's disclosure. Claim 27 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over DE. Claims 31-33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DE in view of U.S. Patent No. 6,647,373 (Carlton-Foss).

35 U.S.C. §101 Rejections

Claims 1-3, 5, 6, 12 and 30-32 have been rejected under 35 U.S.C. §101. Applicants have amended these claims to further clarify that the present invention relates to an Internet-based automatic purchasing method performed on a server that is clearly patentable subject matter. Applicants respectfully request that these objections be withdrawn.

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35 U.S.C. §112 Rejections

Claims 8-12 and 34 have been rejected under 35 U.S.C. §112 second paragraph. Applicants have amended these claims to further clarify the invention and respectfully request that these objections be withdrawn.

35. U.S.C. §102 Rejections

Claims 20-26, 28-30 and 34 have been rejected under 35 U.S.C. §102(e) as being anticipated by DE. Claim 30 has been canceled. Applicants respectfully traverse these rejections as to the remaining pending claims.

DE discloses a standardized product rating system that allows the subjective characteristics of a product to be evaluated and objectively rated based on generally accepted levels of quality. The products and factories of suppliers are also evaluated and rated in accordance with the standardized rating system. A network of product buyers and suppliers are connected via a computer network, and through remote terminals, buyers submit for quotes, and suppliers submit bids, both of which specify objective and subjective aspects of a product using the standardized ratings.

Regarding claims 20, 26, 20 and 34, Applicants submit that DE does not disclose or suggest the limitations in the combination in each of these claims. For example, the Examiner asserts that DE discloses identifying whether vendors satisfy minimum attributes, in the abstract. However, this is not identifying other vendors satisfying minimum attributes set by a buyer, as

recited in the claims of the present application. In contrast, DE discloses products and factories of suppliers being evaluated by an independent organization (see, column 2, lines 1-4).

Further, the Examiner asserts that DE discloses registering the vendors that satisfy the minimum attributes, at paragraphs 29 and 30. However, these paragraphs merely disclose that each buyer, supplier and third-party service provider gains access or membership to the system by registering with the system operator, and that registered companies may designate multiple employees or agents as authorized buyers for the company. This is not registering the vendors that satisfy the minimum attributes, as recited in the claims of the present application. These portions of DE disclose that each buyer, supplier, and third-party service provider gains access to the system. These portions do not disclose or suggest anything related to registering vendors that satisfy minimum attributes.

The Examiner further asserts that DE discloses identifying the buyer's vendor selection criteria, by the disclosure of RFQs in paragraphs 13 and 14. However, request for quotes (RFQs) as disclosed in DE are not a buyer's vendor selection criteria, as is cited in the claims of the present application. According to the present invention, a buyer's vendor selection criteria includes information used by the buyer in the selection of a vendor, for example, geographic region, business type, price, etc. (see, claim 21). A buyer's vendor selection criteria is not an RFQ (that specifies objective and subjective aspects of a product) as disclosed in DE.

The Examiner further asserts that DE discloses an engine to select a qualified vendor for

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the buyer based on the database information and the selection criteria, in paragraphs 32 and 33. However, these portions merely disclose that buyers can activate software filters to screen offers from suppliers based on product type, on supplier, country of origin, etc. This is not an engine to automatically select a qualified vendor for the buyer based on the database information and the selection criteria, collected from the buyer, as recited in the claims of the present application. According to the present invention, a qualified vendor is automatically selected for the buyer.

Regarding claims 21-25, 28 and 29, Applicants submit that these claims are dependent on one of independent claims 20 and 26 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicants submit that DE does not disclose or suggest the limitations in the combination of each of claims 20-26, 28, 29 and 34 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 1-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Applicants' disclosure. Applicants respectfully traverse these rejections.

The Examiner appears to center these rejections solely on the premise that the automation of a manual process is not patentable. However, Applicants fail to understand the Examiner's reasoning. Many processes that have been performed manually have been patented due to their automation. For example, many manual accounting methods where previously an

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individual was required by hand to add and subtract numbers, have been automated by inventions, for example, the calculator. Clearly, this was simply an automation of a manual process. However, it was patentable. Patents related to computers, manufacturing machines, robotics, and several other examples exist centered around innovative ways to automatically perform methods or tasks that previously were performed manually. Applicants respectfully request the Examiner to find published prior art references to justify these rejections. Applicants submit that claims 1-19 are patentable over Applicants' background of the invention, in that the present invention solves the problems discussed in Applicants' background in a way that is novel and unique. Further, the manual process discussed in Applicants' background was not merely a paper process, but many times involved the negotiation between parties (buyer and seller) that is time-consuming.

Accordingly, Applicants submit that claims 1-19 are patentable over Applicants' background of the invention. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claim 27 has been rejected under 35 U.S.C. §103(a) as being unpatentable over DE. Applicants submit that this claim is dependent on independent claim 26 and, therefore, is patentable at least for the same reasons as noted previously regarding this independent claim. Accordingly, Applicants submit that DE does not disclose, suggest or render obvious the limitations in the combination of claim 27 of the present application. Applicants respectfully

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request that this rejection be withdrawn and that this claim be allowed.

Claims 31-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over DE in view of Carlton-Foss. Applicants have canceled these claims, therefore, rendering these rejections moot.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 3-29 and 34 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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